संघ राज्य क्षेत्रों से एकत्र की जा रही है और सभा पटल पर रख दी जायेगी ।

Supreme Court Judgement on Promotion of SC/ST

3501. SHRI S. S. SURJEWALA: Will the Minister of WELFARE be pleased to state:

(a) whether Government have decided to implement the Supreme Court judgement on reservation and promotion of SCs/STs;

(b) if so, the guidelines issued by Government in this regard;

(c) whether Government have also directed to the State Governments to implement the above judgement of the Court, if so, the details of the guidelines; and

(d) whether the State Governments have accepted/started implementing above judgement, if so, the names of such States?

THE MINISTER OF WELFARE (SHRI SITARAM KESRI): (a) and (b) Supreme Court judgement in Indra Sawhney and others Vs. Union of India and others (Mandal case) decided issues arising out of the office memoranda of 13-8-90 and 25.8.91 provding for reservation in central jobs in favour of the other backward classes and also certain constitutional issues pertaining to reservation which are applicable to SCs/STs also.

The Government of India have taken action for implementation of the specific directions issued in the majority judgement in regard to the following:—

(i) constitution of permanent body for reviewing the lists of other bakward classes on the basis of requests and complaints. The National Commission for Backward Classes has been notified in 14-8-93.

(ii) specifying the socio-economic criteria for excluding the 'creamy layer' among the other backward classes.

The recommendations of the Expert Committee constituted for this purpose have been accepted by the government.

The Supreme Court had also made some observations in regard to the following issues which have implementations in respect of SCs/STs as well:

(i) reservation in promotions;

(ii) ceiling on reservation and carry forward of vacancies;

(iii) exclusion of certain categories of posts from the purview of reservation.

As regards reservation in promotions the ruling of the Supreme Court is operative only prospectively. The Supreme Court has ruled that the provision for reservation in promotion, wherever existing, may continue for a period of five years from the date of judgement.

In accordance with the assurance given by the Welfare Minister in the Parliament on 23-12-92 that there would be no immediate disturbance in the present dispensation regarding reservation in promotions, the State Governments/UT Administrations have been advised to take appropriate action in respect of State Services/UT Services

(c) A letter was issued to all State Governments/UT Administrations on 21-11-92 advising them to take appropriate action for compliance with the directions issued by the Supreme Court in Mandal case.

(d) The verdict of the apex Court is binding on all including the State Governments. The reports received from the State Governments indicate that State Governments have started taking action for implementation of the directions contained in the judgement.